

## A Message from Superintendent Jack R. Smith Ph.D.

Dear Damascus High School Community:

I am writing to provide an update on the MCPS internal investigation of supervision and reporting that stems from the charges of sexual assault in the boys' locker room at Damascus High School on October 31, 2018. The investigation has concluded, and I want to make you aware of what we have found and next steps.

What I am about to share will be difficult to read for many of our community members, especially those who have been directly affected by this incident. Our thoughts are with these students, their families and staff. To continue to ensure students and staff have the supports they need during this difficult time, additional mental health and wellness staff will be deployed to the school in the coming days.

I know this incident and the subsequent investigations have caused sadness, frustration, and anxiety in the community. Please know that we would have liked to have moved more quickly on this matter, but MCPS was required to wait so that the State's Attorney's Office could move forward with its criminal investigation without interference or prejudice. I thank you for your patience.

### **Supervision**

As I shared in my [previous letter](#) in March, the State's Attorney's Office approved our request to begin an internal investigation of the supervision of the boys' locker room on October 31. This investigation included interviews with coaches and Damascus High School staff, as well as a review of relevant policies, memoranda and other documents. While we cannot legally share the details of the investigation, the following facts demonstrate a lack of clear supervision expectations and a player supervision plan for the junior varsity (JV) football team at Damascus High School:

- Between approximately 2:50 p.m. and 3:15 p.m., the boys' locker room at Damascus High School was without any direct adult supervision. This period is after the varsity football team leaves the locker room to start their practice and before the JV football team reports to the practice field.
- It is during this 25-minute period that the alleged sexual assault took place.
- The JV coaches who were typically responsible for supervision during that time were delayed in their arrival. Their delays were not adequately communicated to other coaches or staff to ensure coverage of locker room supervision.
- MCPS has [guidelines](#) and protocols regarding extracurricular supervision that indicate: "*Coaches must supervise student-athletes at all times, before and after practices and contests at both home and away sites.*"

While there is nothing to suggest the coaches could have reasonably expected a sexual assault to occur in the locker room in the absence of supervision, the lack of protocols in place to ensure coverage in the locker room is unacceptable.

### **Reporting Practices**

In addition to locker room supervision, the MCPS investigation was expanded to include reporting of the incident to law enforcement and central office staff. MCPS reporting protocols include our [Memorandum of Understanding](#) with law enforcement, which states that employees who are made aware of a critical incident, such as a sexual assault involving students, shall contact law enforcement “as soon as practicable.”

MCPS first learned about the incident when a parent contacted the JV head football coach on the evening of October 31, 2018. While MCPS investigators did not interview the parent who made this initial disclosure given that notices of civil litigation claims have been filed by several of the victims’ parents, this part of the investigation did include interviews with the JV head football coach and the school staff who were contacted about the incident on the evening of October 31, 2018, as well as a review of their associated communications on that night, including text messages.

Our investigation concluded that there is insufficient evidence at this time to suggest undue delay in reporting the incident. Each coach and staff member responded consistently with MCPS protocols based on the details of the incident that were known and understood by them on the evening of October 31, 2018. On the morning of November 1, 2018, as Damascus High School staff worked with the school resource officer, details indicating a potential sexual assault became clearer, and the Special Victims Investigations Division of the Montgomery County Police Department was contacted. In the weeks and months since, MCPS has continued to engage in close collaboration with law enforcement.

Looking at the events of that evening as reported by the media, some may criticize this finding and argue that school staff should have reported more quickly, even if some details remained unsettled and unclear. In hindsight, it is of course possible to second guess complex and evolving circumstances. MCPS will review its policies and re-emphasize the need for vigilance in reporting of sexual assault allegations as part of its annual, mandatory training of staff.

Please note that if we identify additional information as part of the ongoing legal proceedings or further internal review, MCPS can take further action in alignment with the [Employee Code of Conduct](#).

### **Next Steps**

As a result of what we have learned in our investigation, we are implementing several changes at Damascus High School that we believe are needed to ensure the safety of students.

First, while MCPS cannot legally reveal any specific personnel actions, I can share that we have proceeded in taking appropriate disciplinary action in accordance with the [Employee Code of Conduct](#).

Second, MCPS has tasked Acting Principal Kevin Yates and Acting Assistant Principal Ursula Hermann with continuing to ensure a safe, welcoming and supportive environment for students and staff during this difficult time. Mr. Yates and Dr. Hermann are committed educators who will work with their fellow administrators, teachers and staff to bring the school year to a close with purpose and positivity.

Third, Damascus High School leadership has been given permission to begin seeking a new JV football coaching staff to give the school and team a fresh start for the upcoming season.

Fourth, Damascus High School will begin the process for identifying a new athletic director. The new athletic director will focus on ensuring fidelity in the implementation of supervision, compliance, and safety protocols, practices and expectations in athletics at the school. In the meantime, staff from the MCPS

Systemwide Athletics Unit are providing support as school athletic teams complete their spring seasons and plan for the coming year.

Fifth, the entire football program at Damascus High School will be under probationary oversight by the MCPS Systemwide Athletics Unit for the 2019 -2020 school year. This means that central services staff, working collaboratively with the school's leadership team, will closely monitor the football program at Damascus High School to ensure it is in full compliance with all MCPS and State of Maryland rules, regulations and protocols.

Finally, MCPS has hired an outside law firm to conduct an external review of reporting practices and supervision of athletics and other extracurricular activities more broadly at Damascus High School, in the context of such practices and structures across MCPS. This review, which will begin in the near future, will include engagement with staff, students and alumni at Damascus and several other high schools, as well as experts in other school districts, as we seek to identify best practices to enhance our practices going forward. We anticipate that this review will be completed by the end of June 2019. As we move forward, we will make sure to continue to collaborate closely with the ongoing work of the State's Attorney's Office and the Montgomery County Police Department.

Each of these steps is in addition to the efforts we have already implemented this year. These include requiring a robust formalized supervision plan for every athletic team and extracurricular club every year, as well as system-led discussions with students around hazing, bullying and assaultive behavior. Promoting a positive culture in our schools, on our athletic teams and in our community must be a priority for all of us.

Our students deserve to be recognized and celebrated for all the amazing things they do every day. I thank the entire Damascus High School community for your support of the students and school.

Sincerely,

Jack R. Smith, Ph.D.

Superintendent of Schools